

Notice of Untimely Filing of the Request for Express Abandonment

Application Number: 10595941

The request for express abandonment filed on 3/5/10
was not filed prior to the expiration of the response period in the
previous office action.

No Extension of Time requests have been filed.

Processor Initials: BP

Reviewer Initials: KAT

MPEP 711.01

A letter of express abandonment which is not timely filed (because it was not filed within the period for reply), is not acceptable to expressly abandon the application.

The letter of express abandonment should be placed in the application file but not formally entered.

The application should be pulled for abandonment after expiration of the maximum permitted period for reply (see MPEP § 711.04(a)) and applicant notified of the abandonment for failure to reply within the statutory period. See MPEP § 711.02 and § 711.04(c).